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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ADORA DANYEL PEREZ,

Defendant and Appellant.

F077851

(Super. Ct. No. 18CM0021)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kings County. Robert S. Burns, Judge.

Michele A. Douglass, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Detjen, J. and Peña, J.

Appellant Adora Danyel Perez pleaded no contest to manslaughter (Pen. Code, § 192, subd. (a))<sup>1</sup>. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

On December 31, 2017, at 12:37 a.m., a Hanford police officer was dispatched to Adventist Medical Center regarding a suspicious, full-term birth of a stillborn baby to Perez earlier that night. The baby's placenta had detached from the uterine lining, which is extremely common in mothers who habitually use methamphetamine. After being advised that the stillbirth may have resulted from illegal drug abuse, the officer learned from a sheriff's deputy that Perez admitted she used methamphetamine during her pregnancy. Based on physical signs the baby exhibited, a doctor estimated that the baby died between 12 and 18 hours earlier. The doctor believed the baby died from extensive drug use by Perez and he advised the officer that Perez tested positive for methamphetamine and THC. A review of Perez's medical records was conducted, and it disclosed that in prior visits, Perez had several positive tests for methamphetamine. Perez's chart indicated that she had not had any prenatal care. During an interview with a probation officer, Perez stated she last used methamphetamine approximately two and a half days before the delivery of her stillborn child and marijuana a day prior to the delivery.

On March 26, 2018, the Kings County District Attorney filed an amended complaint that charged Perez with murder of a fetus (§ 187, subd. (a); count 1) and voluntary manslaughter (count 2). Perez then entered her plea to voluntary manslaughter in exchange for the dismissal of the murder count.

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<sup>1</sup> All statutory references are to the Penal Code.

On May 8, 2018, the court granted Perez's request to substitute retained counsel for appointed counsel. Retained counsel then advised the court that she intended to file a motion to withdraw plea on Perez's behalf.

On May 29, 2018, retained counsel filed the motion to withdraw plea. In a supporting declaration, Perez alleged that good cause existed to withdraw her plea because she did not understand the change of plea proceeding and was unaware that she entered a no contest plea. She also alleged that her appointed counsel did not investigate the possible causes of her baby's death or discuss any potential defenses with her.

On June 15, 2018, after denying Perez's motion to withdraw plea, the court sentenced her to the aggravated prison term of 11 years. The court also imposed a restitution fine of \$3,300 and a suspended parole revocation fine in the same amount.

On June 29, 2018, Perez filed a timely appeal. On July 3, 2018, the trial court granted her request for a certificate of probable cause.

Perez's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Perez has not responded to this court's invitation to submit additional briefing. However, Perez's abstract of judgment and the amended minute order for her sentencing hearing each erroneously indicate that the court imposed a restitution fine and a parole revocation fine of only \$3,000, rather than \$3,300. We will direct the court to correct this clerical error.

Further, following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

### **DISPOSITION**

The trial court is directed to file an amended abstract of judgment and an amended minute order for Perez's sentencing hearing that indicate that the court imposed a restitution fine of \$3,300 and a suspended parole revocation fine in the same amount.

The court is further directed to forward a certified copy of the abstract of judgment to the appropriate authorities. In all other respects, the judgment is affirmed.